

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CATHERINE NICHOLS,

Case No. 2:17-cv-02337-APG-GWF

Plaintiff,

V.

CREDIT UNION 1, et al.,

ORDER

Defendants.

12 This matter is before the Court on Plaintiff's Motion for Leave to File First Supplemental
13 Complaint (ECF No. 26), filed on March 13, 2018. Defendant Credit Union 1 filed its Limited
14 Opposition (ECF No. 31) and Defendant Experian Information Solutions, Inc. ("Experian") filed
15 its Non-Opposition (ECF No. 32) on March 27, 2018. Plaintiff filed her Reply (ECF No. 33) on
16 March 27, 2018.

Fed. R. Civ. P. 15 states that “...a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The Court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(b). There is a “strong policy to permit the amending of pleadings.” *Gabrielson v. Montgomery Ward & Co.*, 785 F.2d 762, 765 (9th Cir.1986) (quoting *Howey v. United States*, 481 F.2d 1187, 1190 (9th Cir.1973)). In determining whether leave to amend is appropriate, the Court considers five factors: (1) bad faith, (2) undue delay, (3) prejudice to the opposing party, and (4) futility of amendment.” *Loehr v. Ventura County Comm. College Dist.*, 743 F.2d 1310, 1319 (9th Cir.1984). Futility of amendment is “analyzed under the same standard of legal sufficiency as a motion to dismiss under Fed. R. Civ. P. 12(b)(6).” *Richmond v. Mission Bank*, 2014 WL 6685989, at *5 (E.D. Cal. Nov. 26, 2014). When considering the factors listed above, the Court should make all inferences in favor of granting the motion. *Griggs v. Pace Am. Group, Inc.*, 170 F.3d 877, 880 (9th Cir.1999).

1 Plaintiff alleges that Defendants violated the Fair Credit Reporting Act and requests leave
2 to allege new claims against Defendants and class allegations against Defendant Experian.
3 Defendant Experian represents that it does not oppose Plaintiff's request supplement her
4 complaint. Defendant Credit Union 1 does not oppose Plaintiff's request, but asserts that it may
5 file a motion to bifurcate the class action causes of action. Upon review, the Court finds that justice
6 requires granting Plaintiff's request because the leave to amend is sought in good faith, does not
7 cause the opposing party undue delay or undue prejudice, and does not constitute an exercise in
8 futility. Accordingly,

9 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Leave to File First Supplemental
10 Complaint (ECF No. 26) is **granted**.

11 **IT IS FURTHER ORDERED** that Plaintiff may file the first supplemental complaint
12 attached to her Motion for Leave to File First Supplemental (ECF No. 26) as Exhibit A.

13 **IT IS FURTHER ORDERED** that the motion hearing set for Friday, April 6, 2018 at
14 10:30 AM is vacated.

15 Dated this 29th day of March, 2018.

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19 GEORGE FOLEY, JR.
20 UNITED STATES MAGISTRATE JUDGE
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